

DON'T DECK THE CLOWN— INVITING HUMOR INTO THE LAW FIRM

STEPHANIE WEST ALLEN

Law firms can be very somber, serious places in which most members may at first discount the role of humor in addressing many of the current challenges to the legal profession. This article offers a view of why humor is important and how it can be incorporated into the practice of law. The author makes a case for taking humor seriously, because it can make the difference in achieving a higher level of performance and success.

Suppose a clown were invited to your firm on a whim of a senior partner. The clown is dressed in a colorful costume, and, in his curly-toed shoes, he pads through the hallways, peeking in the doorways, pausing to be acknowledged or invited into offices where lawyers are busy doing what lawyers do; the clown is ready to offer a wide smile and a friendly greeting. How would the clown be received? Would he be shunned or go unnoticed? Would staff members be embarrassed by his presence? How would the lawyers, paralegals, and other staff members respond?

The fact is that in many law firms, as well as in many corporate settings, fun and play are considered unprofessional and certainly

not invited or honored; the value of humor in the law firm is ignored, discounted, or unrecognized. And so members of your firm might be expected to react in a way similar to that described by an attorney in a large Denver firm who, after considering the image of a clown walking through the hallways of her firm, said that given these tense times, the managing partner might "deck the clown."

Decking the clown, denying the jester, and discounting the value of humor are not in the best interest of a law firm or the legal profession. In times that call for creative problem solving, intrafirm collaboration, stress reduction, and other measures to support physical and mental health and superior

Stephanie West Allen, a principal of *Court Jesters*, a Denver-based firm that conducts training programs on bringing humor into the legal profession, practiced law in California and taught negotiation and settlement in law schools. She currently teaches the psychology of conflict and psychology of prejudice at the University of Colorado, Denver. She is the author of *Triversity Fantasy: Seven Keys to Unlock Prejudice* and the soon-to-be-published *Manual for Becoming a Jester*.

client relations, humor is critical. Before a law firm frowns on play, it might want to consider the benefits of opening mouths wide to smiles and laughter. Below are described four of the many benefits of inviting humor into the law firm.

CREATIVE PROBLEM SOLVING

Creativity guru Edward de Bono begins his book *I Am Right—You Are Wrong*¹ by stating that "humor is by far the most significant behavior of the human mind." He goes on to explain the essential role of humor in finding new ways to think and see things, and how these new ways create new solutions. In his book *de Bono's Thinking Course*² he describes how our minds get stuck in ruts and patterns and how these patterns can impede progress and innovation. To get us out of these ruts, an important mechanism is humor.

Daniel Goleman, in his best selling *Emotional Intelligence*³ is giving intelligence a new definition. In his book, he talks about the benefits of a good laugh to solving a problem requiring a creative solution. He describes a study in which people were shown a humorous video and were afterwards much more able to solve a puzzle requiring creative thinking as compared with groups who were shown a serious film or who exercised.

Goleman talks about how mood changes can sway thinking: "People in good moods have a perceptual bias that leads them to be more expansive and positive in their thinking." This mood makes one more likely to be more adventurous or take more risks.

Creative solutions require the presence of the adventurer and the risk-taker. To the extent that humor heightens good moods, it should be present in any situation calling for creativity.

The September 24, 1996, edition of the *Denver Post* profiles the law firm Bartlit Beck Herman Palenchar & Scott in its series on businesses considered the best in the nation. The article described a law firm both successful and unusual. Managing partner James Palenchar laughed when asked about the sentence in the article: "The antics practically shout to visitors." He said the firm does not take itself seriously and the lawyers have a certain personal style and approach to life. He believes that people will grow old early if they do not like what they are doing.

Palenchar said he finds humor very valuable in negotiations. "Things can get very tense, and it helps to take a step back and smile." This humor break allows one to see things in a different way. An essential component of creativity is seeing things a different way.

The legal system and law firms need creativity. Old ways of billing, recruiting, hiring, practicing, serving the client, marketing, training associates, relating to the public and the media, may work in certain instances. But in these days of swift change, old ways do not always work. The profession and the firms need to be adapting to new times, jumping out of old ruts, and creating new solutions to old and new challenges. Humor is a powerful tool to facilitate this needed creativity. It is a mystery why any firm would ignore humor in these competitive times.

COLLABORATION AND TEAMWORK

Konrad Lorenz in his classic work, *On Aggression*,⁴ says, "Heartily laughing together at the same thing forms an immediate bond, much as enthusiasm for the same ideal does." Law firms may offer seminars in team building, evaluate lawyers and staff on such attributes as collaboration and ability to get along with others, and even elevate the skills of working well with others to a lofty place within the words of their mission statements. Too often, however, the tool of humor is not used to further the values of collaboration and teamwork. In the words of Lorenz, "Barking dogs may occasionally bite, but laughing men hardly ever shoot!"

Law firms would be well-advised to bring in a person skilled in improvisational comedy to improve teamwork. Improv requires a number of individuals to work interdependently, yet with full individual participation of each involved. This balance of autonomy and relationship is critical to the process and to a successful performance. When lawyers learn to play and laugh together in this way, they painlessly improve their ability to work as a team. An added bonus is the increased skill in listening to each other, because improv performers have to be acutely attuned to each other.

The quality of the product of a collaborative effort may suffer if those producing are not working in concert, are not attuned to each other. This is true of the team in sports, the cast in a dramatic production, the musicians in a band, the development group of a software company, and the troops in a war.

It is also true of members of a law firm, a practice group, or a trial team. To put out the best legal product often requires a smoothly functioning, well-oiled team. Humor is one of the best team builders around.

STRESS REDUCTION AND HEALTH PROMOTION

Many of us are aware of Norman Cousins's use of the self-prescribed laughter therapy in overcoming disease; he describes this treatment in his *Anatomy of an Illness as Perceived by the Patient*.⁵ Cousins believed in the therapeutic value of humor and in not taking oneself seriously, even in seemingly serious circumstances. Several studies support the view that a good laugh can improve one's health and strengthen one's immune system.

In his book *Gesundheit!*,⁶ Patch Adams, M.D., details the physical responses to humor. Among the benefits he writes about are "superb muscle relaxant qualities," and he adds that "anxiety and muscle relaxation can not occur at the same time." Humor thus seems to be a natural tranquilizer, as well as a health booster. Dr. Adams says, "People crave laughter as if it were an essential amino acid."

Few would not agree that a law firm is often a high-stress environment. Many believe that stress is one of the leading causes of health problems. The benefits of healthy personnel are many and include less absenteeism, lower insurance rates, and optimum performance. Benefits of lower stress levels thus include those same factors. Humor and

laughter can contribute in a powerful way to the physical and mental health of a law firm. Another reason to welcome the jester.

IMPROVED CLIENT RELATIONS

Lawyers seem to believe that the law must be serious business. Few would deny that one's health and life, the province of the medical profession, are also serious, yet the medical profession is far ahead of the legal profession in welcoming humor. Several hospitals have humor carts for their patients. Clowns are sometimes seen in hospitals, and not just with the young patients. Although most lawsuits are quite important to both clients and lawyers, so is the hospitalized patients' health, so one wonders why doctors are a bit more comfortable with clowns than are lawyers.

Lawyers may be making an inaccurate assumption about their clients' response to humor. Clearly, many situations in which the lawyer is involved are times for happiness, (e.g., adoptions, many contracts, and even divorces), and a laugh and a smile would seem very appropriate. But perhaps many other situations would be appropriate for and may be eased by humor. One law firm had a large cat in residence. She would wander throughout the offices as she wished. Her entrance into a negotiation session would usually result first in extreme surprise of those who did not know her. The next response was generally a smile. Often the next response was a shift in the tone of the negotiations moving those involved more quickly toward resolution. The clients of this

firm often thereafter asked for her. Animals have been known to calm people down, and they may have an appropriate use in the practice of law. However, because they are often considered a part of play and fun the idea of their presence is generally dismissed as a possibility in the hallowed halls of a law firm.

Dr. Adams speaks to medical groups around the country and he asks attendees whether they would rather be hospitalized in a goofy ward or a straight, solemn ward; he says in his above-mentioned book that over 90 percent choose the goofy ward. Would not some clients choose some component of goofiness in their interaction with the legal system? The assumption that the answer is "no" might be costing law firms both competitive advantage and an opportunity to have fun and lighten up.

QUESTIONING ASSUMPTIONS

Humor frees us up to question assumptions. Questioning assumptions gives us more options for behavior and thought because we examine the assumptions and see them for what they are. We then have a choice to behave and think in new ways or to continue to be governed by the newly examined assumptions. As a nonlegal example, do I cook a certain kind of meal for Thanksgiving for years because I assume that is what is desired by all eating or do I check to see whether perhaps everyone would prefer something different—or even to go out to eat, as I would prefer.

Let us look at the joke to see how humor can help us to examine assumptions. Many

jokes are based on a process of reversal. This is an unexpected shift in the point of view of the person hearing the joke. The listener is being led down a path and the comedian switches directions—usually resulting in a laugh. Another way of saying this is that the listener is making an assumption about the direction the comedian is taking and the comedian smashes the assumption. For example:

A Garry Shandling joke: I sold my house this week. I thought I got a good price for it—but it made my landlord mad as hell.

A Woody Allen joke: I divorced my first wife because she was so immature. I'd be in the tub taking a bath and she would walk in whenever she felt like it and sink my boats.

A Skip Stevenson joke: I left my wife because she divorced me. I'm not going to live with someone under those kinds of pressures.

The sense of humor can facilitate the questioning of assumptions by making them conscious. When a firm becomes attuned to the process of questioning assumptions, it will happen all the time. It will likely also be a very humorous law firm and every day can offer surprise. This questioning is a very helpful process to any law firm. Some of the assumptions that can be questioned, thus giving the firm greater options, are:

- **What do we wear?** Many lawyers dress a certain way because they are operating under unconscious assumptions about how to dress. The lawyers at Bartlit Beck

wear sports shirts and dress shirts. A person's apparel sends many messages and lawyers may want to consider these messages and consciously control them. A professional clown says that lawyers who wear bow ties are part way to dressing as a clown. The above-mentioned Dr. Adams dresses as a clown, and more and more doctors are wearing outlandish doctor coats. Why is the legal profession so far behind? Do they have any reason to be more staid than those who save lives?

- **Where do we meet?** Might some meetings be better taking place out of the office, perhaps at a botanical garden or maybe on a hike.
- **Do you talk?** A law professor uses a mime in her negotiations class to show how much is done with nonverbal behavior. Is the lawyer aware of the assumptions he or she is making about how much he or she needs to talk?
- **Do you sit at your desk?** Perhaps you sit on your windowsill. Or on the floor.
- **What props might you bring to the practice of law?** Puppets? Large vegetables? Puzzles? Why not?
- **Should you use music in your office?** The field of accelerated learning has shown us that some kinds of music help us to learn more quickly and retain the information for a longer period of time. Other kinds of music can upset people. Why not have a complete repertoire to use at appropriate times?
- **What is the tone of your internal memos?** Do they promote the firm's sense of humor? Do they include jokes? Songs? Pictures to color while on the phone?

The questions can go on and on. The point is to make nothing sacred, to question all assumptions. This questioning gives the firm greater freedom of action and thought. It also gives the firm greater control because it is choosing the behavior, rather than unconscious assumptions making the choices. And it is also great fun to answer these and other similar questions.

RESISTANCE TO HUMOR

James G. March, in the chapter "Technology of Foolishness" in his book *Ambiguity and Choice in Organizations*,⁷ offers a hypothesis as to why playfulness is resisted in our society. This hypothesis lends a clue as to why humor is kept out of the law firm. March says that consistent rationality is rewarded early and well in our culture. We define it as intelligence and it is affirmed in education and by social norms. Modern organizational life reinforces it, too.

Those people who have been rewarded for their rationality are among the most influential in our society. However, "...they are exceptionally poor at a playful attitude toward their own beliefs, toward the logic of consistency, or toward the way they see things as being connected in the world. The dictates of manliness, forcefulness, independence, and intelligence are intolerant of playful urges if they arise. The playful urges that arise are weak ones." This playful attitude is essential to the adaptable, competitive, healthy law firm of today.

Ours tends to be an accumulative, acquisitive culture. Work is the way to accumulate

and acquire resources and status and is thus a valued activity. Play is seen as the opposite of work and as the less valuable of the work/play dichotomy. In fact, play, fun, and leisure are often seen as something we can have only as a reward for good work: these activities (or lack of activity) are usually not valued in their own right. No wonder the law firm full of high-achieving professionals sees play and belly laughs as frivolous, unprofessional, or unnecessary.

INTRODUCING HUMOR INTO A LAW FIRM

A sense of humor is a state of mind. A person can have a sense of humor and so can the culture of a law firm. To develop a firm sense of humor, the culture must provide conditions where humor can be born and grow. Harvey Mindess, in *Laughter and Liberation*,⁸ makes recommendations as to how to foster the sense of humor. He says one needs freedom from several states, including the following

- conformnity
- inferiority
- reason
- redundancy
- seriousness
- egotism

These states are not unknown in a law firm. To promote a firm sense of humor, they should not be the prevailing states.

James March, in the above-mentioned chapter, recommends several ways to become more playful, including those listed below.

- **Treat goals as hypotheses.** If we experiment with alternative goals, we can discover new combinations of our values and needs and wants that may give us new goals richer than we might previously have imagined.

For example, a law firm was developing a seminar for its lawyers on client relations. Those involved put forth various hypotheses about the goals of how clients should be treated. Each believed his or her goal was the most correct. An invisible jester must have then entered the room because they next agreed to think up new ones that none had listed—no matter how silly to see the new ones as just as valuable, and to cheer each time someone came up with a new goal. The list grew longer and more complete and imaginative. The group had a wonderful time. An idea came to them in the process, and they asked their clients for additions to the list. This group was certainly experimenting with alternative goals. No goal should be seen as sacred.

- **Treat intuition as real.** Doing so allows us to see new actions or behaviors that are outside our present logical scheme for justifying how we do things. Trial lawyers often have very good intuition, and they know how to trust it. This second recommendation may be easy for many lawyers.
- **Treat memory as an enemy.** Consistency and rationality, and consistent rationality, require memory. Though good memories inform good choices, forgetting or overlooking is also sometimes useful. To see a situation with fresh, new eyes untainted by the past can be valuable—and fun.

Both Mindess and March warn of the dangers of consistent rationality, an ability seen as the most important component of intelligence by many. In contrast, Daniel Goleman, in *Emotional Intelligence*,⁹ believes humor can facilitate acts of intelligence and suggests, "[O]ne way to help someone through a problem is to tell them a joke. Laughing, like elation, seems to help people think more broadly and associate more freely, noticing relationships that might have eluded them otherwise—a mental skill important not just in creativity, but in recognizing complex relationships and foreseeing the consequences of a given decision."

CHANGING THE TONE OF THE LAW PRACTICE

Thus, many factors contribute to a shift in the sense of humor of a law firm. It is important to remember that this shift has to be supported on a daily basis. To bring some humor to the annual retreat and return to seriousness the rest of the year will not foster an environment where humor can be born and grow.

The law firm wishing to incorporate humor should do a humor audit. This must be done with a sense of humor and fun. Those conducting the audit should begin by evaluating levels of conformity, inferiority, reason, redundancy, seriousness, and egotism in the following areas:

- interaction with clients and other people outside the firm, including written communication, how the telephone is answered, and what the receptionist says;

- firm events, including retreats and meetings;
- marketing materials;
- performance evaluations of lawyers and staff; and
- the physical appearances of offices as well as conference rooms, waiting rooms and lavatories.

Inviting humor into the law firm will contribute to a healthier, happier, more competitive firm. As Lorenz said in *On Aggression*, "We do not as yet take humor seriously enough." To take humor seriously allows us to rise to our fullest potential. G.K. Chesterton told us angels fly high because they take themselves lightly. A law firm that welcomes humor may fly higher than it ever imagined possible—and grin all the way up to the pinnacles of success.

NOTES

1. Edward de Bono, *I Am Right, You Are Wrong* (New York: Penguin Books, 1991), 1.
2. Edward de Bono, *de Bono's Thinking Course* (New York: Facts on File Publications, 1985).
3. Daniel Goleman, *Emotional Intelligence* (New York: Bantam-Doubleday, 1995), 85.
4. Konrad Lorenz, *On Aggression* (New York: Harcourt, Brace and World, 1966), 293-4.
5. Norman Cousins, *Anatomy of an Illness* (New York: W.W. Norton & Company, Inc., 1979).
6. Patch Adams, MD, *Gesundheit! Bringing Good Health to You, the Medical System, and Society Through Physician Service, Complementary Therapies, Humor, and Joy* (Rochester, Vermont: Healing Arts Press, 1993), 65, 67.
7. James G. March, *Ambiguity and Choice in Organizations* (1979), 78-9.
8. Harvey Mindess, *Laughter and Liberation* (Nash Publishing, 1971).
9. Goleman, see note 3 above.